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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY
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March 17, 1994

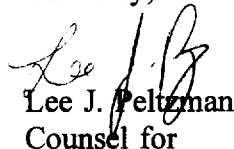
Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N. W.
Washington, D. C. 20554Re: Amendment of Section 73.202(b)
FM Table of Allotments
(Brazil and Spencer, Indiana)

Dear Mr. Caton:

Transmitted herewith, on behalf of Spencer Communications, Inc., licensee of Station WSKT(FM), Spencer, Indiana, is an original and four (4) copies of its "Petition for Rule Making" in the above-referenced matter.

Please contact this office should questions arise regarding this rule making matter.

Sincerely,


Lee J. Peltzman
Counsel for

SPENCER COMMUNICATIONS, INC.

Enclosure

MAR 17 1994

Before The
FEDERAL COMMUNICATIONS COMMISSION
 Washington, D. C. 20554

FEDERAL COMMUNICATIONS COMMISSION
 OFFICE OF THE SECRETARY

In the Matter of:)	
)	
Amendment of Section 73.202(b))	MM DOCKET NO.
FM Table of Allotments)	RM-
(Brazil and Spencer, Indiana))	

To: Chief, Allocations Branch
 Policy and Rules Division
 Mass Media Bureau

PETITION FOR RULE MAKING

Spencer Communications, Inc. ("SCI"), licensee of Statio WSKT(FM), Spencer, Indiana, by its attorney, hereby respectfully requests that Section 73.202(b) of the Commission's rules be amended in the following manner:

	Channel No.	
	<u>Present</u>	<u>Proposed</u>
Brazil, Indiana	249A	224A
Spencer, Indiana	224A	249A

The substitution of Channel 224A for 249A at Brazil, Indiana, and Channel 249A for 224A at Spencer, Indiana, can be made in accordance with the Commission's minimum distance separation and principal community coverage requirements with the concurrent modification of the reference coordinates for the current allocation to Veedersburg, Indiana, for Channel 225A to specify 40 degrees, 12 minutes, 10 seconds North Latitude, 87 degrees, 15 minutes, 45 seconds West Longitude. SCI additionally requests the modification of its license for Station WSKT(FM) to specify operation on Channel 249A.

Clearly, the public interest will be advanced by the substitution of the Class A channels

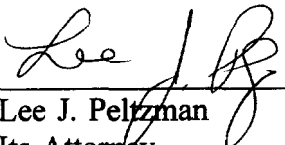
at Brazil and Spencer, Indiana. At present, Station WSKT(FM) is unable to increase power to 6.0 kW because of spacing limitations to Station WTTS(FM), Bloomington, Indiana, and to Station WJLR(FM), Austin, Indiana. Similarly, Station WJLR(FM) is limited to 3.0 kW because of spacing limitations to Station WSKT(FM). If the requested substitutions are made, both Stations WSKT(FM) and WJLR(FM) will be able to increase power to 6.0 kW. Additionally, the allocation authorized at Veedersburg, which is now limited to 3.0 kW at its current reference coordinates, will, as a result of a change in its reference coordinates as requested in this Petition for Rule Making, obtain the ability to operate at 6.0 kW. Finally, the current short spacing between Stations WTTS(FM) and WSKT(FM) will be eliminated as a result of approval of this proposal, resulting in a higher level of service to the residents of both stations' service areas.

Accordingly, for the reasons stated above, SCI requests that the Commission adopt this proposal to substitute Channel 224A for existing Channel 249A at Brazil, Indiana, and Channel 249A for existing Channel 224A at Spencer, Indiana. In the event that Channel 249A is substituted for Channel 224A at Spencer, Indiana, SCI will promptly file an application and, once that application is granted, immediately modify its station in accordance with its construction permit.

Respectfully submitted,

SPENCER COMMUNICATIONS, INC.

By:



Lee J. Peltzman
Its Attorney

SHAINIS & PELTZMAN
Suite 200
2000 L Street, N. W.
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202/416-1633
March 17, 1994

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Petition for Rulemaking

The following engineering statement and attached exhibits have been prepared for Spencer Communications, Inc. and are in support of their Petition for Rulemaking to modify Section 73.202(b), the FM Table of Allotments, of the Commission's Rules and Regulations.

The Petitioner's seek to modify the Table of Allotments in the following manner.

<u>City</u>	<u>Existing</u>	<u>Proposed</u>
Brazil, Indiana	249A	224A
Spencer, Indiana	224A	249A

In addition, the Petitioner seeks to modify the reference coordinates for the allocation to Veedersburg, Indiana on Channel 225 to specify 40° 12' 10" North, 87° 15' 45" West. As shown on the attached channel studies, these changes can be completed without causing any short-spacing to any existing or proposed facility.


At the present time, WSKT(FM) is licensed to the city of Spencer, Indiana. However, it is not able to increase power to 6.0 kW. because of spacing limitations to WTTS at Bloomington, Indiana, and to WJLR(FM) at Austin, Indiana. WJLR(FM) is limited to 3.0 kW. only by the spacing to WSKT. If the above requested change were made in the FM Table of Allotments, both stations would be able to increase power to 6.0 kW.

With respect to the Veedersburg allocation, that facility would be limited to 3.0 kW. at its current reference coordinates. By changing the coordinates to the reference


coordinates contained in this Petition for Rulemaking, any future applicant for that facility would also be able to operate with 6.0 kW. ERP. Therefore, the changes requested in this Petition allow two existing stations to increase power from 3.0 kW. to 6.0 kW. and allow an allocation to be utilized at a full 6.0 kW. In addition, the short-spacing between WSKT and WTTS would be eliminated.

In reality, WTTS currently operates with "grandfathered" facilities well in excess of those normally permitted for Class B FM stations. As a result, WSKT currently receives significant interference inside its actual service contour. While it is realized that both stations are currently operating fully in accordance with the Commission's Rules and Regulations, the practical result of the high power operation of WTTS is a significant degree of mutual interference. That interference would be eliminated for both stations by the proposal allowing a much better level of service to be provided to the residents of the area.

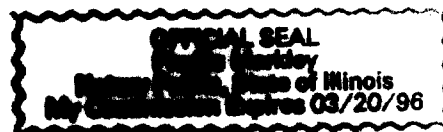
The preceding statement and attached exhibits have been prepared by me or under my direction, and are true and correct to the best of my knowledge and belief.


Jeremy D. Ruck
Consulting Engineer

Subscribed and sworn to before me this 14th Day of March, 1994.


Notary Public

My Commission Expires:



Single Channel Study For: Brazil, IN On Ch. 224 A - 92.7 Mhz.

States Searched: IL,IN,KY,MO,MI
Run Date: 03-10-1994

39° 30' 43" N.
87° 08' 19" W.

CHANNEL	ALLOTMENT OR STATION	CLASS	CALCULATED - KM. (MI.)	REQUIRED KM.	BEARING Deg. T.
221	NO CONFLICT				
222	USED Bloomington	IN B	86.1 (53.5)	69	97.5
222 WTTS	LIC Bloomington	IN B	86.1 (53.5)	69	97.5
223	USED Urbana	IL B1	105.3 (65.4)	96	303.4
223 WKIO	CP Urbana	IL B1	115.5 (71.8)	96	305.7
224 WJLR	CP MOD Austin	IN A	139.4 (86.6)	115	123.0
224	USED Austin	IN A	141.9 (88.2)	115	125.3
224	USED Kokomo	IN A	135.2 (84.0)	115	37.6
224 WZWZ	LIC Kokomo	IN A	135.2 (84.0)	115	37.6
224	USED Spencer	IN A *	37.1 (23.0)	115	140.4
224 WSKT	LIC Spencer	IN A *	37.1 (23.0)	115	140.4
225 WSEI	LIC Olney	IL B	121.5 (75.5)	113	222.3
225	USED Olney	IL B	121.5 (75.5)	113	222.3
225	VACANT Veedersburg	IN A *	67.6 (42.0)	72	351.0
226	NO CONFLICT				
227	USED Linton	IN B1	64.6 (40.1)	48	193.3
227 WQTY	LIC Linton	IN B1	59.0 (36.7)	48	200.1
277	NO CONFLICT				
278	NO CONFLICT				

*-Short Spaced

Only listings with clearances less than 32 Km. are shown.

This study utilized a copy of the FCC FM Database as published monthly by the National Technical Information Service. D. L. Markley & Associates, Inc. believes this information to be accurate and current. However, D. L. Markley & Associates, Inc. does not assume any responsibility for any erroneous or incomplete data furnished as part of that database.

Single Channel Study For: SPENCER, IN On Ch. 224 A - 92.7 Mhz.

States Searched: IN,IL,OH,KY,TN
Run Date: 12-04-1993

39° 15' 18" N.
86° 51' 51" W.

CHANNEL	ALLOTMENT OR STATION	CLASS	CALCULATED - KM. (MI.)	REQUIRED KM.	BEARING Deg. T.
221	NO CONFLICT				
222	USED Bloomington	IN B *	64.0 (39.8)	69	74.4
222 WTTS	LIC Bloomington	IN B *	64.0 (39.8)	69	74.4
223	USED Owensboro	KY C	183.6 (114.1)	165	185.2
223 WBKR	LIC Owensboro	KY C	183.6 (114.1)	165	185.2
224	USED Austin	IN A *	106.6 (66.2)	115	120.3
224 WJLR	CP MOD Austin	IN A *	104.6 (65.0)	115	117.0
224	USED Spencer	IN A *	0.0 (0.0)	115	0.0
224 WSKT	LIC Spencer	IN A *	0.0 (0.0)	115	0.0
225	VACANT Veedersburg	IN A	101.2 (62.9)	72	340.5
225 WSEI	LIC Olney	IL B	122.1 (75.9)	113	240.0
225	USED Olney	IL B	122.1 (75.9)	113	240.0
226	USED Indianapolis	IN B	93.4 (58.0)	69	52.1
226 WKLR	LIC Indianapolis	IN B	93.4 (58.0)	69	52.1
227	USED Linton	IN B1	51.7 (32.1)	48	228.5
227 WQTY	LIC Linton	IN B1	51.6 (32.0)	48	238.6
277	NO CONFLICT				
278	NO CONFLICT				

*-Short Spaced

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Single Channel Study For: Veedersburg, IN On Ch. 225 A - 92.9 Mhz.

States Searched: IL,IN,OH,MI,KY,TN,MO,AR,WI
Run Date: 03-10-1994

40° 12' 10" N.
87° 15' 45" W.

CHANNEL	ALLOTMENT OR STATION	CLASS	CALCULATED - KM. (MI.)	REQUIRED KM.	BEARING Deg. T.
222	NO CONFLICT				
223	USED Urbana	IL B1	79.7 (49.5)	48	256.2
224	USED Kokomo	IN A	98.0 (60.9)	72	71.8
224 WZWZ	LIC Kokomo	IN A	98.0 (60.9)	72	71.8
225 NEW	APP Colfax	IL A	125.0 (77.7)	115	285.5
225 NEW	APP Colfax	IL A	127.8 (79.4)	115	285.1
225 NEW	APP Colfax	IL A	127.6 (79.3)	115	284.9
225 NEW	APP Colfax	IL A	123.6 (76.8)	115	288.0
225	VACANT Colfax	IL A	121.7 (75.6)	115	289.8
225 NEW	APP Colfax	IL A	127.1 (78.9)	115	286.7
225 NEW	APP Colfax	IL A	129.6 (80.5)	115	283.9
225 WSEI	LIC Olney	IL B	181.1 (112.5)	178	203.1
225	USED Olney	IL B	181.1 (112.5)	178	203.1
225 WNDU-FM	LIC South Bend	IN B	179.1 (111.3)	178	29.2
225	USED South Bend	IN B	179.1 (111.3)	178	29.2
225	VACANT Veedersburg	IN A *	10.0 (6.2)	115	180.0
226	USED Indianapolis	IN B	117.9 (73.3)	113	113.9
226 WKLR	LIC Indianapolis	IN B	117.9 (73.3)	113	113.9
227	NO CONFLICT				
228	USED Lafayette	IN A	32.2 (20.0)	31	50.4
228 WKHY	CP Lafayette	IN A	32.2 (20.0)	31	50.4
228 WKHY	LIC Lafayette	IN A	32.2 (20.0)	31	50.4
278	NO CONFLICT				
279	NO CONFLICT				

*-Short Spaced

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